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## DECISION MEMO

### AVISTA Buried Electrical Lines



USDA Forest Service, Northern Region  
Nez Perce-Clearwater National Forests  
Red River Ranger District  
Idaho County, Idaho

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#### I. Decision

I have decided to authorize AVISTA to install 5000 feet (approximately 1.0 miles) of buried electrical line on National Forest System lands along Idaho County Road 222D in T25N, R8E, Sections 3, 10, and 11 (Boise Meridian). The Idaho County road department has issued AVISTA a permit allowing AVISTA to place the line within their easement (number 0407843).

The project will provide electricity to private land owners with inholdings along County Road 222D. This would also allow these remote owners to pump water potentially needed for fire suppression. Operation and maintenance of the line would be overseen by AVISTA.

**Project Design / Equipment:** AVISTA will install 5000 ft. of buried electrical line and mount two to three 3 ft. x 3 ft. x 3 ft. green steel junction enclosures at ground level within the ROW along County Road 222D. The electrical line will be buried in a trench 36 inches deep created by a vibratory plow cat. Any surface disturbance will be bladed back to its original condition and seeded post implementation. All work will be done within the existing roadbed or along the edge of the road when conditions are dry.

County Road 222D is a public road under an easement issued to Idaho County by the USDA Forest Service for 66 feet in width or 33 feet on each side of centerline. AVISTA must get consent from Idaho County that burying the line will not interfere with the free flow of traffic or impair the full use and safety of the public road during project implementation before the work can begin. Any signing or flaggers during construction will be coordinated with the county.

**Project Implementation:** Work will be completed in the summer or early fall of 2016, and is expected to take one week.

#### Design Criteria

The AVISTA Buried Electrical Line project includes design criteria identified below to protect water quality. These items are not all-inclusive, as the Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

- ✓ During implementation, install erosion control measures (e.g., silt fences, straw wattles) between the exposed soil and the river.
- ✓ Immediately following implementation, seed all areas of exposed soil with an area-appropriate mixture of vegetation seeds (e.g., grasses and forbs), and cover with a sufficient layer of weed-free mulch.

## II. Rationale for Decision and Reasons for Categorically Excluding the Decision

### Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(2): *Additional construction or reconstruction of existing telephone or utility lines in a designated corridor.*

### Finding of No Extraordinary Circumstances

In compliance with 36 CFR 220.6, the following resource conditions were considered in determining whether extraordinary circumstances exist to the resource conditions that could result in significant effects to the environment. Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision.

#### **1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The IDT Botanist determined the proposed action will have “no effect” to species listed as federally threatened, endangered or proposed for federal listing or their habitat. A “may adversely impact individuals or habitat” determination was made for Payson’s milkvetch. The species is likely found along the fill and cut slopes and may be physically impacted by the proposed activity. However, Payson’s milkvetch responds well to road side disturbance. Overall, the effects would be beneficial to the species over the long term.

The IDT Wildlife Biologist determined the proposed action is “not likely to adversely affect” Canada lynx or its habitat. Project activities fall under the category of “Other Special Uses” in the 2014 Programmatic Biological Assessment with a determination of Not Likely to Adversely Affect. A determination of “no jeopardy” was made for North American wolverine and its habitat. In the 2014 Programmatic Biological Assessment for Wolverine the project activities have been determined to represent no jeopardy to the Northern Rockies DPS of wolverine. A “may adversely impact individuals or habitat” determination was made for fisher, fringed, long-eared and long-legged myotis, gray wolf, Townsend’s big-eared bat, and Western (boreal) toad. Overall, the effects would be minor and of short duration and would not result in a loss of viability, nor cause a trend towards federal listing or a loss of species viability range wide.

The Interdisciplinary Team (IDT) Fisheries Biologist has determined the proposed action would have “no effect” to species listed as federally threatened, endangered or proposed for federal listing or their habitats, including critical habitat, and “no impact” to sensitive species or their habitat because none of the listed species occur within the proposed project area

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Botany, Wildlife and Fishery Biological Assessments and Evaluations and specialists’ reports in the project record.

## **2. Floodplains, wetlands, or municipal watersheds.**

The proposed project is not located within a floodplain, wetland or municipal watershed and therefore the proposed activities would have no effects to these resources.

The proposed project is consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources. The activities are also consistent with soil and water standards in the Nez Perce National Forest Plan, including the PACFISH amendment. Therefore, no direct or indirect effects that will cause a cumulatively significant effect to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds are anticipated.

Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

## **3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project area is not located within congressionally designated wilderness areas, wilderness study areas, or Wild and Scenic River corridors, therefore, no extraordinary circumstances were identified to these resources.

## **4. Inventoried roadless areas or potential wilderness areas.**

The project is not located within any Nez Perce National Forest Plan FEIS Appendix C Roadless Areas, Idaho Roadless Areas (36 CFR 294 Subpart C), or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

## **5. Research Natural Areas.**

The project area is not located within a designated Research Natural Area, and therefore, no extraordinary circumstances were identified to this resource.

## **6. American Indians and Alaska native religious or cultural sites.**

An appropriate inventory has been conducted for the above project and no cultural properties are located within the area of potential effects. As a result, the Forest Cultural Resource Specialist has made a *No Historic Properties Affected* determination and the project may proceed.

## **7. Archaeological sites, or historical properties or areas.**

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

## **III. Interested and Affected Agencies, Organizations, and Persons Contacted**

On May 27, 2016, a letter providing information and seeking public comment was mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce Tribe. Three letters were received regarding this project during the public comment period and are addressed in Appendix A.

#### IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that this project is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Nez Perce National Forest Plan:** These actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987, as amended,) as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.


**National Historic Preservation Act:** Because no cultural properties are located within the area of potential effects, the Forest Cultural Resource Specialist has made a "*No Historic Properties Affected*" determination for the project per the North Idaho Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribal staff has had the opportunity to review the project for impacts to Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights. The Nez Perce Tribe did not identify any concerns.

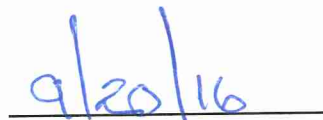
#### V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Nez Perce-Clearwater National Forests Supervisor's Office, 903 3<sup>rd</sup> Street, Kamiah, Idaho 83536 or by phone at (208) 935-4260.

**Signature of Deciding Officer**



TERRY NEVIUS  
District Ranger



Date

cc: Molly Puchlerz

Enclosures (1): AVISTA Project Map

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Map of AVISTA Buried Electrical Lines Project

AVISTA Buried Line- FS Road 222D

